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HUSBAND AND WIFE — RECOVERY BY WIFE FOR LOSS OF CONSORTIUM DUE TO NEGLIGENT INJURY OF HUSBAND. — The plaintiff alleged that her husband, while working for the defendant, was injured as the proximate result of the defendant's negligence, that by reason thereof she had suffered a nervous shock, resulting in physical ailments, had been forced to pay sundry expenses, had been deprived of support and the care, protection, companionship, aid and society of her husband, and that her husband had brought action against the defendant and judgment had been for the defendant. A statute provided that damages for torts sustained by the wife were her own and could be recovered by her suing alone. (1913 N. C. CON. STAT., § 2513.) The defendant demurred. *Held*, that the demurrer be overruled. *Hipp v. Dupont de Nemours & Co.*, 108 S. E. 318 (N. C.).

The court directs its attention largely to the question of loss of *consortium*, and its argument is that as the husband can now no longer recover for the injury to the wife, if she cannot recover there has been a real injury for which there is no redress. The wife has suffered an injury separable from the husband's. See *Flandermeyer v. Cooper*, 85 Ohio St. 327, 98 N. E. 102. For this she should be compensated. See 26 HARV. L. REV. 74. Yet in spite of the removal, by Married Women's Acts, of the common-law reasons for denying recovery, the unanimous American authority prior to this case denied her recovery on various grounds. *Smith v. Nichols Bldg. Co.*, 93 Ohio St. 101, 112 N. E. 204; *Kosciulek v. Portland Ry., etc. Co.*, 81 Ore. 517, 160 Pac. 132; *Bernhardt v. Perry*, 276 Mo. 612, 208 S. W. 462; *Feneff v. New York, etc. R. Co.*, 203 Mass. 278, 89 N. E. 436. Most of these grounds apply equally to actions by the husband when the wife has been injured negligently, yet there recovery is allowed even though the wife has prosecuted an action to judgment. *Neumeister v. City of Dubuque*, 47 Iowa, 465; *Guevin v. Manchester St. Ry.*, 78 N. H. 289, 99 Atl. 298. See *Selleck v. City of Janesville*, 104 Wis. 570, 80 N. W. 944. *Contra*, *Bolger v. Boston Elevated Ry. Co.*, 205 Mass. 420, 91 N. E. 389. The other reasons advanced are that the wife's action, unlike the husband's, is not based on loss of services; and that if she recovers the defendant will be subjected to double damages. But loss of services is not the gist of the husband's action. See *Baker v. Bolton*, 1 Campb. 493; *Guevin v. Manchester St. Ry.*, *supra*. See 10 COL. L. REV. 678. And double damages are impossible under a statute which makes the cause of action for a tort to the wife, her property. See 1868 N. C. CONST., Art. X, § 6; 1913 N. C. CON. STAT., § 2513. There is no substantial reason why the wife should not recover.

INSURANCE — EMPLOYERS' LIABILITY INSURANCE — SUBROGATION OF INSURER TO EMPLOYER'S STATUTORY RIGHT AGAINST TORTFEASOR INJURING WORKMAN. — An employee of the H Company was injured in the course of his employment through the defendant's negligence. Compensation was awarded him, and paid by the H Company's employers' liability insurance company. The Workmen's Compensation Act provides that an "employer, having paid the compensation, or having become liable therefor, shall have the right to recover in his own name." (1918, 3 CARROLL KY. STAT., 5 ed., § 4890.) The insurance company sued for its own benefit in the name of the H Company. *Held*, that the suit be dismissed. *Henderson Telephone & Telegraph Co. v. Owensboro Home Telephone & Telegraph Co.*, 233 S. W. 743 (Ky.).

The court reasons that there is no right of subrogation because the insurer's business is to pay on its policies, and hence it has suffered no loss. It is to be regretted that basic principles of insurance law should be disregarded in developing this comparatively new branch of the subject. The court's reasoning